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10/667,036

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EXAMINER

HAMILTON, LALITA M

ART UNIT

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3691

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|--|--|
| Office Action Summary | Application No. 10/667,036 | Applicant(s) KARAOGUZ ET AL. | |
| | Examiner Lalita M. Hamilton | Art Unit 3691 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination (RCE)

The RCE filed on July 10, 2008 has been processed. A non-final follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Schein (6,388,714).

Schein discloses a system and corresponding circuits for a user to access content comprising providing billing support for the exchange of media, a first television display in a first home of a first user, a first storage in the first home, the first storage supporting media consumption by the first television display in the first home, and having a first network protocol address, a user interface for the selection and display of media content, at the first home, the user interface allowing at least one user to create at least one user defined media channel, wherein the at least one user selects media content for the at least one user defined media channel through the user interface, and the at least one user specifies, through the user interface, times when the user selected media content will be made available on the at least one user defined media channel,

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the user interface displaying a graphical representation of the least one user defined media channel, each of the at least one user defined media channel comprising a sequence of user selected media content for consumption at times specified by the user, at least one server storing the media content, and having a second network protocol address, and server software that receives from the first home via a communication network a request for the delivery of media content, the request comprising information securing payment for delivery, and that responds by coordinating the delivery of the media content from the at least one server at the second network protocol address to the first storage at the first network protocol address for consumption by the first television display (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30—the user selects service or content, enters identifying information and password, along with payment instructions, and the media is delivered within the specified time period; the content may be delivered to television, computer, etc.); the media content comprises at least one of audio, a still image, video, and data (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the first and second network protocol addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, and an electronic serial number (ESN) (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the communication network is the Internet

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(fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); consumption comprises at least one of playing digitized audio, displaying a still image, displaying video, and displaying data (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the information securing payment for delivery comprises at least one of a device ID, a public key for encryption, information related to services, information regarding payment terms, information regarding billing, and media push/access restrictions and limitations (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the information securing payment for delivery is received via the communication network from a second user at a second home (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); at least one media peripheral communicatively coupled to the first storage, the at least one media peripheral providing at least a portion of the information securing payment for delivery, and the media content being delivered to the at least one media peripheral (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the at least one media peripheral comprises at least one of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a multi-media gateway device, a multi-media personal digital assistant, a DVD player, a tape player, and a MP3 player (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the identity of a user receiving media content is unknown to the at least one server (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless

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infrastructure (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the at least one server comprises at least one of a 3rd party service provider, a media storage server, and a broadband head end (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the identity of a user receiving media is unknown to the at least one server (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the information securing payment for delivery comprises at least one of a device ID, public key for encryption, information related to services ID, a public key for encryption, information regarding payment terms, information regarding billing, and media push/access restrictions and limitations (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); at least one circuitry and media peripheral communicatively coupled to the set top box the at least one media peripheral providing the media (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); at least one of billing and payment is secured before delivery of the media occurs (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); at least one interface for communicating via a broadband communication infrastructure, at least one processor operably coupled to the at least one interface and to storage containing executable code enabling creation by a first user of one or more media channels for distribution to an authorized second user at a second location remote from the first location, wherein the one or more media channels comprises media content selected by the first user and arranged according to times specified by the first user, and wherein each of the one or more media channels comprises a sequence of media content selected by the first user, which is made available for consumption by the second user of the media exchange network at times

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scheduled by the first user (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the broadband communication infrastructure comprises a cable network (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the broadband communication infrastructure comprises a digital subscriber line (DSL) network (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); wherein the media content of a media channel is stored at the first location (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); at least a portion of the media content of a media channel is provided by a third party source remote from the first and second user locations (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the media exchange network comprises a media exchange server that associates authorized users as members of a personal network (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the media exchange server is located within the communication terminal of the first user (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); media content comprises one or more of digitized video, digitized audio and one or more digitized still images (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); wherein a first user is enabled to anonymously request delivery of media content from a third party to the second user (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the sequence of media content selected by the first user is received by and stored at the location of the second user prior to the time of availability scheduled by the first user, for consumption at the time of availability scheduled by the first user (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the sequence of media content selected by the first user is pushed to the communications terminal of the

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second user (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); at least one server storing the media (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); server software that receives a request for the delivery of the media, the request comprising information securing payment for delivery, and that responds by coordinating the delivery of the media from a storage or the at least one server to a television display for consumption (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); at least one server at a first location, the at least one server configured to store media and server software that receives via a communication network a request for the delivery of the media, the request comprising information securing payment for delivery, and that responds by coordinating the delivery of the media from a storage at a second location to a television display at a third location for consumption (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the media comprises at least one of audio, a still image, video, and data (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); the communication network is the Internet (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30); information securing payment for delivery comprises at least one of a device ID, a public key for encryption, information related to services, information regarding payment terms, information regarding billing, and media push/access restrictions and limitations (fig.14A-E; col.14,

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line 18 to col.15, line 30; and col.19, lines 5-30); at least one of billing and payment is secured before delivery of the media occurs (fig.14A-E; col.14, line 18 to col.15, line 30; and col.19, lines 5-30).

Response to Arguments

Applicant's arguments with respect to claims 1-53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lalita M Hamilton/
Primary Examiner, Art Unit 3691